



01-09-01 662 CPA/1633 #
#4/28
1/17/01

ADLER & ASSOCIATES

P.O. BOX 710509
HOUSTON, TEXAS 77271-0509

WRITER'S DIRECT DIAL
(713)-777-2321
WRITER'S DIRECT FACS.
(713)-777-6908
E. MAIL: BADLER1@houston.rr.com

INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

Docket No. D6163
Anticipated Classification of this application:
Class _____ Subclass _____
Prior application: 09/393,173
Examiner: Connell, Y.
Art unit: 1633

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ASSISTANT COMMISSIONER FOR PATENTS
BOX CPA
WASHINGTON, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)

- I.** This is a request for a filing under the continued prosecution application procedure, 37 CFR 1.53(d).
- A.** A prior complete application Serial Number 09/393,173, was filed on September 9, 1999.
- B.** Under the title: "Adenoviral Vector Encoding Pro-Apoptotic Bax Gene and Uses Thereof" (as filed originally).
- C.** Name of applicants(s) (as originally filed and as last amended) and current correspondence address of applicant(s).

Jialing Xiang
1825 Arboretum, Apt E
Birmingham, Alabama 35216
Citizen: USA

Jesus Gomez-Navarro
1824 6th Avenue South
Birmingham, Alabama 35294
Citizen: Spain

David T. Curiel
824 Linwood Road
Birmingham, Alabama 35222
Citizen: USA

II. The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a continued prosecution application. Please use all the contents of the prior application file jacket, including the drawings, as the basic papers for the continued prosecution application and assign the application number of the above-identified application to the continued prosecution application.

01/10/2001 AGOITOM 00000067 09393173

01 FC:231

355.00 OP

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

III. Declaration or Oath

A. Continuation: ☒ none required: ☐

IV. Identification of Claims for Further Prosecution

The fees to be charged are to be based on the number of claims remaining as a result of the:
☐ attached preliminary amendment.

☐ unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.

☒ claims as on file in the prior application.

V. Fee Calculation

CLAIMS FOR FEE CALCULATION				
	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$355
TOTAL CLAIMS	10	0	X \$9	\$
INDEPENDENT CLAIMS	03	0	X \$40	\$
MULTIPLE DEPENDENT CLAIM(S), IF ANY			X \$135	\$

FILING FEE CALCULATION \$355.00 _

VI. Small Entity Statement

☒ A small entity statement was filed in the parent Serial No. 09/393,173, filed on September 9, 1999 is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

VII. Fee Payment Being Made at This Time:

☒ Filing fee \$355
☐ Recording assignment (\$40.00; 37 CFR 1.21(h)).
☐ Processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))

TOTAL FILING FEES ENCLOSED \$800

VIII. Method of Payment of Fees

☒ Attached is a check in the amount of \$800 (filing fee + petition for extension of time)

☒ Please charge Account No. 07-1185 in the event the filing fee amount was calculated incorrectly. _____

IX. Relate Back--35 U.S.C. 120

☒ Amend the specification by inserting: "This is a continued prosecution application of application Serial No. 09/393,173, filed on September 9, 1999, now abandoned."

X. Assignment

☐ The prior application is assigned of record to University of Alabama at Birmingham Research Foundation



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**THE ASSISTANT COMMISSIONER FOR PATENTS
BOX CPA
WASHINGTON, D.C. 20231**

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

I hereby certify that this continued prosecution transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EL610497793US in an envelope addressed to: The Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, BOX CPA on January 8, 2001.

DATE: _____

Jan 8, 2001

Benjamin Aaron Adler, Ph.D.
Registration No. 35,423

**ADLER & ASSOCIATES
8011 Candle Lane
Houston TX 77071
(713)777-2321**



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